

### **REMARKS**

In the Office Action, claims 14, 15, 17-28, 31, 38, 40 and 41 were rejected. Claims 16, 29, 30 and 39 were objected to for containing allowable subject matter but being dependent on rejected base claims, and claims 32-37 were allowed. Applicants sincerely thank the Examiner for noting the allowable subject matter in the present patent application. By the present Response, claims 14, 22 and 38 have been amended. Upon entry of the amendments, claims 14-41 will remain pending in the present patent application. In view of the following remarks and the foregoing amendments, Applicants respectfully request reconsideration and allowance of all pending claims

### **Rejections Under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 14, 15, 18-21, 38, 40 and 41 under 35 U.S.C. § 102 as being anticipated by the Davis et al. reference (U.S. Patent No. 5,295,843; hereinafter "Davis"). Applicants, however, respectfully submit that Davis does not disclose all of claimed features of presently pending amended claims and, as such, does not anticipate these claims.

### **Legal Precedent**

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *See Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *See In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the identical invention "in as complete detail as contained in the ... claim" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. Additionally, for anticipation, the cited reference

must not only disclose all of the recited features but must also disclose the part-to-part relationships between these features. *See Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 486 (Fed. Cir. 1984). With the foregoing legal precedent in mind, Applicants respectfully assert that Davis does not anticipate independent claims 14 and 38, because Davis fails to disclose all of the features recited in these independent claims.

#### **Independent Claims 14 and Claims Depending Therefrom**

Davis does not to disclose all elements of amended independent claim 14. For example, Davis does not disclose power and data conductors that are “at least partially *embedded* in the insulative support,” as recited by amended independent claim 14. (Emphasis added). In contrast to the foregoing claim, as amended, Davis discloses a connection surface that is simply placed on the surface of the insulating support, and not embedded. *See* Davis, Fig. 1. Davis discloses an electrical connector 1 that makes electrical contact at a surface of contact fingers 9, of power contacts 6 and data contacts 4, 5. *See* Davis, Figs. 9, 10, 11. Davis discloses power contacts 6 and data contacts 4 that are generally supported by a surface of the divider 7, and more specifically, supported by the lip portion of the interior 8. *See* Davis, Figs. 9, 10, 11. Thus, the contact are not embedded into the divider, and, as such, Davis does not disclose all of the features recited in amended claim 14.

In view of this deficiency, Davis cannot anticipate independent claim 14 and its dependent claims. For at least these reasons, Applicants respectfully request that the Examiner withdraw the section 102 rejections of claim 14 and its dependent claims

#### **Independent Claims 38 and Claims Depending Therefrom**

Further, Davis fails to disclose all elements of independent claim 38, as amended. For example, Davis does not disclose data and power rail conductors, wherein each conductor is “mechanically *engageable with a plurality of connectors at a plurality of*

*locations along the length of the rail*, each connector being connected to a different electrical component” as recited by amended independent claim 38. (Emphasis added). In contrast, Davis discloses a single contact finger 9 portion of each respective power contact 6 and data contact 4. *See* Davis, Fig. 1. As illustrated in Figures 11 and 12, the disclosed orientation of the contacts 4, 6 and the single contact finger 9 of each conductor allows only a single connector of a given device to engage each respective contact 4,6 along the length of each contact 4,6. *See* Davis, Figs. 1, 11, 12. Davis fails to disclose data and power rail conductors that are mechanically *engageable with a plurality of connectors at a plurality of locations along the length of each rail*. In view of this deficiency, Davis cannot anticipate independent claim 38 and its dependent claims. For at least these reasons, Applicants respectfully request that the Examiner withdraw the section 102 rejections of claim 38 and its dependent claims.

### **Rejections Under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claims 17, 22-28 and 31 under 35 U.S.C. 103(a) as obvious over the Davis et al. reference (U.S. Patent No. 5,295,843). As discussed further below, Applicants respectfully assert that Davis fails to disclose all of the features recited in claims 17 and 22, as amended, and therefore the present claims can not be anticipated by Davis under 35 U.S.C. 103(a).

### **Legal Precedent**

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the modification. *See ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). The mere fact that a references can be modified does

not render the resultant modification obvious unless the prior art also suggests the desirability of the modification. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the modified reference includes all of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the reference. *See Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to modify the cited reference. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). With the foregoing legal precedent in mind, Applicants respectfully assert that the present claims 17 and 22 are not unpatentable over Davis, because Davis fails to disclose all of the claimed elements.

#### **Dependent Claim 17**

In the Office Action, the Examiner rejected dependent claims 17 under 35 U.S.C. § 103(a) as obvious in view of Davis. Applicants respectfully assert that claim 17, which is dependent on claim 14, is at least patentable by virtue of its dependency on independent claim 14. That is, Applicants respectfully assert that Davis fails to disclose all of the features recited in independent claim 14, as amended, as is discussed above. Thus, Davis cannot disclose all of the features recited in claim 17, and, as such, cannot support a *prima facie* case of obviousness. Additionally, Applicants respectfully assert that dependent claim 17 is also patentable by virtue of the additional features recited therein. In view of the foregoing, Applicants respectfully request reconsideration and allowance of claim 17.

#### **Independent Claim 22**

In the Office Action, the Examiner rejected dependent claim 22 under 35 U.S.C. §103(a) as obvious in view of Davis. Applicants respectfully assert that Davis fails to disclose all of the features recited in independent claim 22, as


amended. For example, Davis fails to disclose a system comprising first and second sets of power conductors, and first and second data conductors, that are each “generally *mechanically inflexible*,” as recited by independent claim 22, as amended. (Emphasis added). In contrast to the foregoing claim, as amended, Davis discloses data contacts 4 and power contacts 6 that are required to flex to a given deflection for the assembly of the electrical connector 1, and for the engagement of the male and female portions of the electrical connector 1. *See* Davis, Figs. 4, 7, 11. Figure 4 of Davis illustrate a pair 3 of signal contacts 4, 5 that are maintained in a spread position. Figures 7 of Davis illustrates an assembled connector wherein the contacts 4, 6 are flexed to a position wherein the tips of the contacts 4, 6 are flexed and retained by a lip of groove 19 in the divider 7. Further, Figure 11 of Davis discloses contacts 4, 5 that require flexing to a given deflection for engagement. The required deflection is illustrated by the deflection of the tips of the contacts 4, 5 away from the lip of groove 19 of the divider 7. *See* Davis, Fig. 11. In summary, Davis fails to disclose conductors that are generally *mechanically inflexible*. For at least these reasons, Davis does not disclose all of the features recited in claim 22 and, as such, cannot support a *prima facie* case of obviousness. Accordingly, Applicants request reconsideration and allowance of independent claim 22 and its dependent claims.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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